

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT DABNEY, et al., )  
 )  
Plaintiff(s), ) No. C09-4116 BZ  
 )  
v. )  
 ) **PRETRIAL ORDER**  
CITY OF HAYWARD, et al., )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

The pretrial conference in this case was held on January 25, 2011. Plaintiffs Robert Dabney and Bonita Goodman were represented at the conference by Gregory Walston, Esq. and Thomas O'Brien, Esq. Defendant City of Hayward was represented by Rafael Alvarado, Esq.<sup>1</sup>

This Order shall control the subsequent conduct of the case and be modified only to prevent manifest injustice. See Fed. R. Civ. P. 16(e).

**1. LENGTH AND TIME OF TRIAL**

Trial shall begin on **Monday, February 14, 2011 at 8:30**

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<sup>1</sup> Having never been served, the Doe defendants named in plaintiffs' complaint are dismissed.

1 a.m. in Courtroom G, 15th Floor, Federal Building, 450 Golden  
2 Gate Avenue, San Francisco, California 94102. Trial is  
3 scheduled daily from 8:30 a.m. to 1:30 p.m. Plaintiffs shall  
4 be prepared to call their witnesses on **Monday, February 14,**  
5 **2011.** Each side shall schedule witnesses to avoid any  
6 interruption in the presentation of testimony.

7 The only issue to be tried is whether plaintiffs'  
8 constitutional rights were violated when they were deprived of  
9 their property rights due to defendant's official policies,  
10 practices, or customs. No Doe defendants having been served,  
11 they are stricken from the complaint.

12 **2. VOIR DIRE**

13 Any objections to the proposed voir dire questions  
14 distributed at the conference, or requests for additional  
15 questions, shall be filed by **Tuesday, February 1, 2011.**

16 **3. EXHIBITS AND EVIDENCE**

17 Prior to the conference, both parties did not submit any  
18 exhibits to be used at trial. At the conference, defendant  
19 notified the Court that it plans to introduce the 911 tape at  
20 trial. Defendant shall make this tape available to plaintiffs  
21 as soon as possible.

22 **4. JURY INSTRUCTIONS**

23 By **Tuesday, February 1, 2011,** the parties shall file a  
24 joint set of case specific jury instructions consistent with  
25 the views expressed by the Court at the conference. Any  
26 instructions on which the parties cannot agree may be  
27 submitted separately.

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